

MARCEL C. BRISTOL  
Franklin Corr. Facility  
62 Bare Hill Road  
Malone, New York 12953

Honorable Joseph F. Bianco  
United States District Court  
Eastern District of New York  
Central Islip, New York 11722

May 4, 2010

RE: Marcel C. Bristol V. Marianne Derosa  
09-CV-3730(JFB), Order of April 26, 2010

Your Honor:

The undersigned is the appellant in the above referenced Matter. This letter is in response to comply with this Honorable Court order, dated May 4, 2010. The appellant is grateful for the opportunity to address the excusable failure to timely file a Brief to perfect this Appeal.

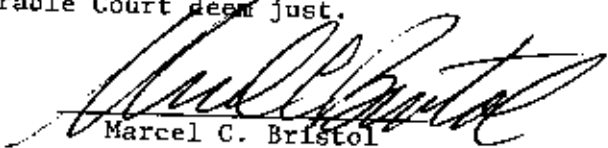
The Appellant assumes that the Court is familiar with the procedural history of this case; and educes in good faith that he is not knowledgeable with the Bankruptcy Rule 8009, referred in the Court order; however, asserts not an excuse on that basis because an appeal was previously filed and timely perfected by the undersigned. But, it is important to note that that appeal was guided by correspondence from the Court Clerk with the scheduling time line to complete the process.

The present appeal was initially filed and rejected by the clerk for failure to file a civil cover sheet along with the Notice. The appellant was apprised of the defficiency in a letter from the Court, and he promptly complied. This was the last communication he received from the Court before this present Court order, since he was transferred from the Nassau County jail on October 09, 2009, to a New York State gaol --a reception facility that could not be used as a change of address because appellant's final destination to a permanent facility was unknown. Moreover, Nassau County has a policy of not forwarding mails to transferred inmates, which might have played a role in the lack of communication, attested by the fact that the envelope in which this Court order was mailed, almost went to the Nassau County jail. See the original envelope, attached herein as it was mailed.

Nonetheless, the crux of appellant's failure was the fact that the notice of appeal was filed with supporting papers to address the merits of the appeal, and it was expected that the appellee would file a reply, which she never did. then, appellant's erroneous intuition further goad to believe that the Court will decide the appeal on the papers submitted.

I submit to your Honor, this appeal has not been abandoned, and beseech for an extension of reasonable time to file a brief and perfect the appeal; and any further relief that this Honorable Court deem just.

CC: Marianne Derosa  
100 Jericho Quadrangle  
Suite 208  
Jericho, New York 11753

  
Marcel C. Bristol

JOSEPH F. BIANCO  
UNITED STATES DISTRICT JUDGE  
PO BOX 9014  
CENTRAL ISLIP, NY 11722-9014  
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Marcel Bristol

W. 100th Ave  
Franklin Correctional Facility

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Franklin Correctional Facility

PO Box 10

Malone, NY 12953

FRANKLIN CORRECTIONAL FACILITY  
62 BARE HILL ROAD, P.O. BOX 10  
MALONE, NEW YORK 12953

NAME:

*Malcolm B. Burt*

DIN:

*014534* CORRECTIONAL FACILITY

FRANKLIN



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*Joseph F. Biondo*  
*Therapist at District Court*  
*United States District of New York*  
*Eastern District, New York 11222*  
*Central Islip, New York*

*Legal Mail*

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